

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

***Ex parte* DOUGLAS CLARK**

Appeal No. 2004-1795  
Application No. 09/536,377

ON BRIEF

Before HAIRSTON, KRASS, and GROSS, ***Administrative Patent Judges.***  
***GROSS, Administrative Patent Judge.***

***DECISION ON APPEAL***

This is a decision on appeal from the examiner's final rejection of claims 1, 6 through 8, and 10 through 33, which are all of the claims pending in this application.

Appellant's invention relates to a system and method for planning and monitoring a project. The method involves breaking a project into tasks, predicting a completion date for each task, receiving the actual completion date of each task, as well as the reason for any difference between the predicted and actual dates, and automatically updating the project status based on recorded

information. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for monitoring and managing a project, comprising the steps of:

breaking a current project into a plurality of tasks, wherein the status of said project is tracked on the basis of at least one task related event for each of said plurality of tasks;

setting a tasking horizon based on a predetermined time interval;

associating at least two verbs with said at least one task related event for each of said plurality of tasks;

receiving a respective predicted date for at least one task related event;

receiving a corresponding actual date for each task related event for which a predicted date was received;

for each actual date received, receiving a verb associated with the respective task related event, said received verb being one of at least two verbs; and

capturing at least the predicted dates, actual dates and verbs received for each of said task related events and automatically updating the project status based on the captured information, to thereby provide accurate and real time data regarding said current project and said plurality of tasks of said project.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Levinson 6,047,260 Apr. 04, 2000  
(filed Jan. 05, 1997)

William R. Duncan, "A Guide to the Project Management Body of Knowledge," PMI Standards Committee, Project Management Institute (1996). (Duncan)

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Claims 1, 6 through 8, 10, 11, and 16 through 33 stand rejected under 35 U.S.C. § 103 as being unpatentable over Duncan in view of Levinson.

Claims 12 through 15 stand rejected under 35 U.S.C. § 103 as being unpatentable over Duncan in view of Levinson and Official Notice.

Reference is made to the Examiner's Answer (Paper No. 17, mailed January 13, 2004) for the examiner's complete reasoning in support of the rejections, and to appellant's Brief (Paper No. 16, filed October 30, 2003) and Reply Brief (Paper No. 18, filed March 15, 2004) for appellant's arguments thereagainst.

#### **OPINION**

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by appellant and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1, 6 through 8, and 10 through 33.

Independent claim 1 recites a step of setting a tasking horizon, and independent claim 10 recites a management module for setting a tasking horizon. Appellant (specification, page 8) defines "tasking horizon" as "the farthest point in time in the

future where a manager believes a task will be completed as planned," which may be further in the future than the assigned time for a task. The tasking horizon is the latest time by which the task is expected be completed, not the scheduled time for completion. The examiner (Answer, page 14) acknowledges appellant's definition, but also points to alternate definitions in appellant's specification such as "a realistic window of time over which tasks can be scheduled" (specification, page 12) and "a realistic planning window that corresponds to the length of time most employees can plan their work" (specification, page 6). The examiner (Answer, page 15) indicates that he has interpreted appellant's page 8 definition of "tasking horizon" as "synonymous with *planned end of task date or planned task completion date.*" Accordingly, the examiner asserts (Answer, page 3) that Duncan includes (at pages 30-32, paragraph 3.3.2, and page 170) setting a tasking horizon "described in the context of target finish date determination and schedule development."

Appellant argues (Brief, page 7) that a tasking horizon "is a window of time which is independent of any specific task in the project." The tasking horizon is explained (Brief, page 7) to be "a frame of reference for explaining the concept of 'churn' based on the movement of estimated dates and actual dates [sic, in] and

out of the current tasking horizon." Appellant indicates (Brief, page 8) that the most relevant portion of Duncan referenced by the examiner relates to the concept activity duration estimation, but asserts that this concept differs from a tasking horizon. Specifically, appellant explains that activity duration estimates are "quantitative assessments of the likely number of work periods that will be required to complete an activity," rather than "an objective time frame . . . not defined in relation to any specific task or activity, or the expected duration for performing any specific task or activity."

Taking together appellant's three definitions of "tasking horizon" from the specification, we interpret the phrase to mean a time in the future by which a task should reasonably be expected to be completed, not the scheduled or estimated completion date. For example, appellant discloses (specification, page 6) that "[t]asks are assigned for a predetermined time, up to the tasking horizon." Further, on page 16 of the specification, appellant compares the estimated date to the horizon. Thus, the assigned or planned completion time clearly must differ from the tasking horizon. We read Duncan's disclosure (page 31) as estimating the amount of time needed or, rather, planning a time span defined by targeted start and stop

dates (which are defined by Duncan on page 170), which is consistent with the examiner's interpretation of "tasking horizon." However, as indicated *supra*, appellant's "tasking horizon" differs from this definition and, therefore, from Duncan's disclosure.

Levinson has been applied by the examiner as teaching automatically updating the project status based on the captured information. The examiner did not apply Levinson for a teaching of a tasking horizon, and we find no such disclosure in Levinson. Thus, Levinson fails to cure the shortcomings described *supra* of Duncan. Consequently, we cannot sustain the obviousness rejection of independent claims 1 and 10 over Duncan in view of Levinson, nor of dependent claims 6 through 8 and 11 and 16 through 23. Further, for claims 12 through 15, the Official Notice taken by the examiner, and added to the primary combination, regarding automatically capturing the performance of tasks upon use of an electronic communication device, for example, fails to cure the deficiencies of Duncan with regard to the independent claims. Therefore, we cannot sustain the obviousness rejection of claims 12 through 15 over Duncan in view of Levinson and Official Notice.

Appellant further argues (Brief, pages 9-11) that neither Duncan nor Levinson discloses the concept of verbs as recited in the claims. The examiner refers (Answer, page 3) to page 46, paragraph 4.3.3.3 and (Answer, page 16) to Duncan's glossary of terms on page 157 as support for the claims verbs. However, neither a glossary of terms nor documenting the reasoning for corrective action (as disclosed on page 46) suggests "associating at least two verbs with said at least one task related event," as recited in independent claim 1, or "assigning at least two verbs for at least one of said plurality of tasks," as recited in independent claim 10. As argued by appellant (Brief, page 10), the term "verb" is "a predefined, structured set or sets of words and/or phrases selected during the planning stages of the project, before the tasks are assigned to be performed by specific workers." We find no such teaching in Duncan. Accordingly, we cannot sustain the rejection of claims 1, 6 through 8, and 10 through 23 for these reasons as well as for those stated *supra*.

As to independent claims 24 and 29, both claims require a look-up table containing historical data or information and a current task table. Claim 24 further recites a step of comparing the historical data with the information in the current task

table. Appellant argues (Brief, pages 13-14) that Duncan does not disclose a look-up table, comparing the historical data in the look-up table with information in a current task table, and automatically updating the status of a pre-existing project or task. Instead, asserts appellant, Duncan merely considers historical data, which is not a look-up table. We agree. We find no disclosure in Duncan of a historical data look-up table nor of comparing the information in the look-up table with a current task table or of automatically updating the status of the project based on that information.

Appellant further argues (Brief, page 14) that Levinson fails to teach or suggest accessing a historical data look-up table nor comparing information from a current task table to the historical data from the look-up table. We agree. In fact, the examiner merely relied upon Levinson for automatically updating, not for the look-up table or current task table. Thus, we cannot sustain the obviousness rejection of claims 24 and 29, nor of the claims which depend therefrom, claims 25 through 28 and 30 through 33.

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## CONCLUSION

The decision of the examiner rejecting claims 1, 6 through 8, and 10 through 33 under 35 U.S.C. § 103 is reversed.

**REVERSED**

APG/vsh

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